



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220  
Saint Paul, MN 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

August 15, 2016

Delco LP  
1146 Rice Street  
Saint Paul MN 55117

Delco LP  
PO Box 17122  
Saint Paul MN 55117

## Order to Abate Exterior Nuisance

Dear Sir or Madam:

**The Department of Safety and Inspections, Division of Code Enforcement, hereby declares the premises located at:**

**776 Desoto Street**

This is a GENERAL RETAIL & SVC- B- Commercial Property

**and legally described as follows, to wit:**

Stinsons Addition Lots 1 Thru Lot 4 Blk 13

**to comprise a nuisance condition in violation of the Saint Paul Legislative Code, Chapter 65.783 of the Saint Paul Legislative Zoning Code.**

On July 28, 2016 an Exterior Property Inspection Report was compiled and the following violations were observed:

**Large quantities of scrap metal, tires, and other salvage materials stored on exterior of the property.**

In October 2015 and again on January 15, 2016, a DSI Zoning Inspector informed you that the previously licensed recycling collection center license lapsed and in order to obtain a new license, the referenced property must conform to the current zoning requirements. Therefore, in order to bring this property into compliance you must:

1. Immediately cease operations and remove all scrap metal and other materials from the exterior of the property;

OR

2. Obtain a variance of conditions a, c, and e, which are listed in the attached letter, from the Board of Zoning Appeals and obtain a recycling collection business license.

As owner, agent or responsible party, you are hereby notified that if these deficiencies and the resulting nuisance condition is not corrected by **September 15, 2016** the Department of Safety and Inspections, Division of Code Enforcement, will begin a substantial abatement process to abate described nuisances. The costs of this action, including administrative costs and demolition costs will be assessed against the property taxes as a special assessment in accordance with law.

If corrective action is not taken within the time specified in this order, the Enforcement Officer will notify the City Council that abatement action is necessary. The City Clerk will then schedule dates for Public Hearings before the City Council at which time testimony will be heard from interested parties. After this hearing the City Council will adopt a resolution stating what action if any, it deems appropriate.

If the resolution calls for abatement action the Council may either order the City to take the abatement action or fix a time within which this nuisance must be abated in accordance with the provisions of Chapter 63 of the Saint Paul Legislative Zoning Code and provide that if corrective action is not taken within the specified time, the City shall abate this nuisance. The costs of this action, including administrative costs will be assessed against the property as a special assessment in accordance with law.

If you have any questions or request additional information please contact **Joe Yannarely** between the hours of 6:30-9:00 a.m. at **651-266-1920**, or you may leave a voice mail message.

Sincerely,

Steve Magner  
Manager of Code Enforcement

Enclosure

cc: Legistar Approval list and City Council



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

January 22, 2015

Frank Windship  
Delco LP  
778 Jessie Street  
Saint Paul, MN 55130

Re: 776 Desoto Street – Zoning/Licensing Violations

Dear Mr. Windship:

On October 28, 2015 you were sent a letter explaining that the operation of an unlicensed recycling processing center at the above referenced location was in violation of the zoning code conditions. This property is zoned I1, light industrial zoning district. The Department of Safety and Inspections (DSI) has sent a previous notice to inform you that your business was in violation but you have continued to disregard our attempts to bring your business into compliance.

**Inspection Observations:**

The inspector observed that there were several open storage containers that were filled with scrap metal. There was also a small machine that is used to crush the metal.

**Pertinent Code Sections:**

Under Chapter 66 of the City of Saint Paul Legislative Code a recycling collection center is a permitted use in an I1 light industrial zoning district, however, the following conditions are not being met under Section 65.783:

- (a) The facility shall not abut a property zoned for residential use (please see attached zoning map).
- (c) In industrial districts, all processing and handling operations shall be conducted within a completely enclosed building. Outdoor storage of materials shall be within covered containers or behind an opaque screen meeting the requirements of section 62.107 on three (3) sides. Such outdoor screening shall be located at least three hundred (300) feet from any residential district.
- (e) The facility shall be screened pursuant to section 63.114 if it is located within one hundred fifty (150) feet of a residential use district.

The property is also in violation of Chapter 408.01 of the Saint Paul Legislative Code:

No person shall engage in the business of operation a recycling collection center or a recycling processing center within the City's limits without a license. A separate license shall be held for each business premises or auxiliary location with the City.

Mr. Windship  
1-22-2016  
Page 2

**Orders:**

The referenced location was previously licensed as a recycling collection center from 1994 to 2009, however, the business license lapsed. In order to obtain a new license the property must conform to the current zoning code requirements. Therefore, in order to bring this property into compliance you must either:

1. Cease all operations of the business and remove all the scrap metal from the premises.

OR

2. Apply for and obtain a variance of conditions a, c, and e listed on the previous page from the Board of Zoning Appeals and the required recycling collection center business license. Please apply for and submit a variance application by February 22, 2016 (enclosed).

AND

Obtain a Class "N" License in order to continue to operate a recycling process center at the property (enclosed).

**You must comply with either of these options by February 22, 2016. You may apply for both the variance and the Class "N" license at the same time.**

**You must comply with this order by February 22, 2016. Failure to come into compliance is considered a nuisance under Chapter 45 of the Saint Paul Legislative Code. A Summary of Abatement will be issued to remove all items, including all exterior storage and you will be assessed a fee based on the cost of the removal.**

If you have any questions, please contact me at 651-266-9088, or [jerome.benner.II@ci.stpaul.mn.us](mailto:jerome.benner.II@ci.stpaul.mn.us)

Regards,



Jerome Benner II  
DSI Inspector I

c: Wendy Lane, Zoning Administrator  
Steve Magner, Code Enforcement Manager  
Kris Schweinler, Licensing Inspector III  
Paula Seely, Code Enforcement Inspector